IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4213 of 2002

Date of Decision: 7.10.2004

S K CHAUHAN

Versus

UNION OF INDIA

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?

For the Petitioner Mr.Adv.AJ SHASHTR

For the Respondents Mr.Adv.BIPIN MEHTA
Mr.Adv.P.H.PATHAK

PER: HON'BLE THE CHIEF JUSTICE (ORAL):-

1. Petitioner was selected to the post of E.D.B.P.M. at Beraja Bhalsan. The selection was complained against, therefore, department decided to advertise the post afresh. Accordingly, names of candidates were sought for from the Employment Exchange. Petitioner filed Original Application No.579 of 2001 which disposed of by order dated January 21, 2002. The penultimate paragraph of the order reads as under :

Whether reporters of Local Papers may be allowed to see the Judgment?

"8. Under the circumstances, we direct respondents to consider the case of the applicant also for selection to the post of EDBPM Beraja Bhalsan along with others who may have applied for the same in response to the fresh notification as per rules irrespective of whether he has applied for the post again or not. We further direct the respondents to continue the status quo of the applicant granted earlier on 29.08.2001 till the selection process is over. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order."

2. From perusal of the above paragraph, it is clear that petitioner has been permitted to participate in the selection along with others. Accordingly, his case was considered and ultimate result is that Shri Bipin K. Chudasama [SC] has been selected possessing higher merits as compared to the petitioner. This candidate has joined by this time and petitioner is out. Petitioner having participated in the selection, he has no further right to be appointed. Consequently, we find no merit in this petition and the same is dismissed.

Rule discharged. Costs on parties.

[Bhawani Singh]
Chief Justice

Date : 7.10.2004 [H.K.Rathod]
Judge
#kailash#